REMARKS

In response to the Office Action dated February 10, 2005, Applicants respectfully request reconsideration.

Claim Rejections - 35 USC § 102

Claims 1, 3, 4, 6-11, 13, 16-29, and 32 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2002/0065730 (Nii). Applicants respectfully assert that these claims are patentable over Nii.

Regarding independent claim 1, features of previous claim 2 have been incorporated into claim 1. Claim 2 stands rejected under 35 U.S.C. §103 over Nii in view of U.S. Patent No. 5,734,589 (Kostreski). Applicants respectfully assert that neither Nii nor Kostreski, alone or in combination, teach, disclose or suggest a multimedia distribution kiosk including a processor and communication interfaces configured as recited in claim 1. Nii discusses a terminal device, a memory module and a system for, and a method of, distributing electronic content that is stored in a content provider (¶0016). A kiosk 40 can communicate with a user device and a mainframe 74 or server 70. The Examiner noted that Nii fails to teach a first communication interface configured to receive multimedia requests at a first speed and a second communication interface configured to communicate with a content provider at a second speed that is faster than the first speed. Office Action, page 7. The Examiner asserted that Kostreski, in combination with Nii, renders this feature obvious. Kostreski discusses a digital entertainment terminal (DET) configured to send/receive signaling information at a low bit rate and to receive data (e.g., video) at a high bit rate. Abstract; Col. 8, ll. 50-67. The disparate bit rates discussed in Kostreski are both for communication between the DET and a service provider. Combining Kostreski with Nii would result in the kiosk 40 of Nii being able to communicate with the content provider at two different rates, not a kiosk with a first communication interface configured to receive, from a remote user, a multimedia request for multimedia content at a first speed, a second communication interface configured to communicate with a multimedia content provider at a second speed that is faster than the first speed, and a processor configured to communicate with the content provider in response to receiving the request to obtain the requested multimedia

content and to provide the requested content to the user. For at least these reasons, independent claim 1 and claims 3, 4, 6-11, and 13 that depend directly or indirectly from claim 1, are patentable over Nii.

Regarding independent claim 16, Nii does not teach, disclose or suggest a method including the communicating at different rates as recited in claim 16. Claim 16 recites a method including communicating with a user device remotely at a first rate to provide to the user multimedia options, and to receive a selection by the user of desired multimedia content, communicating information related to the selection to the multimedia server in response to receiving the selection, communicating with the multimedia server to download the desired multimedia content at a second rate to a second multimedia distribution unit, wherein the second rate is faster than the first rate, and providing, to the user device, the downloaded desired multimedia content. As discussed above, neither Nii nor Kostreski, alone or in combination, disclose or suggest communicating remotely with a user at a first rate to receive a multimedia content selection and downloading the requested content from a multimedia server at a second rate that is faster than the first rate. For at least these reasons, independent claim 16 is patentable over Nii.

Dependent claims 17-25, that depend directly or indirectly from claim 16, are patentable over Nii for at least the reasons that claim 16 is patentable over Nii. Claim 23 is further patentable over Nii because claim 23 recites that the desired multimedia content selection by the user device is received at a separate multimedia distribution unit than the multimedia distribution unit that downloads and provides the content to the user device. Nii does not disclose or suggest requesting and receiving content at separate devices.

Regarding independent claim 26, Nii does not teach disclose or suggest a system including a multimedia server configured to provide desired multimedia data to a selected distribution device in accordance with future-location indicia indicative of a future location of a user device. The Examiner cited ¶¶0016, 0055, and 0056 of Nii as disclosing claim 26. These paragraphs, however, discuss Nii's overall system, a remotely-located kiosk that uses a physical security wall, and various multimedia terminals for use in Nii's system. These paragraphs make no mention of any device that is configured to provide desired multimedia data to a selected distribution device in accordance with future-location indicia indicative of a future location of a

user device as recited in claim 26. For at least these reasons, independent claim 26 and claims 27-29 and 32 that directly depend from claim 26, are patentable over Nii.

Claim Rejections - 35 USC § 103

Claims 2, 14, and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nii as applied to claim 1, and further in view of U.S. Patent No. 5,734,589 (Kostreski). Claim 2 has been cancelled without prejudice, rendering the rejection of this claim moot. Applicants respectfully assert that claims 14-15 are patentable over Nii and Kostreski The Examiner does not assert that Kostreski makes up for the deficiencies of Nii noted above with respect to independent claim 1. Thus, claims 14 and 15 that depend directly and indirectly from claim 1, respectively, are patentable over Nii in view Kostreski for at least the reasons discussed above with respect to claim 1. Further, column 8, lines 50-67 of Kostreski discuss transfer of signaling data and downloading of video data (see Abstract), but do not discuss or even suggest uploading of multimedia information as recited in claims 14 and 15. Thus, for at least these further reasons, claims 14-15 are patentable over Nii and Kostreski.

Claims 5 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nii as applied to claims 1, 4 and 11, and further in view of U.S. Patent Application No. 2003/0191816 (Landress). Applicants respectfully assert that these claims are patentable over Nii and Landress The Examiner does not assert that Landress makes up for the deficiencies of Nii noted above with respect to independent claim 1. Thus, claims 2, 14, and 15 that depend directly and indirectly from claim 1, are patentable over Nii in view Landress for at least the reasons discussed above with respect to claim 1.

Claim 30 stands rejected under 35 USC §103(a) as being unpatentable over Nii as applied to claim 26, and further in view of U.S. Patent Application No. 2002/0058499 (Ortiz). Applicants respectfully assert that this claim is patentable over Nii in view of Ortiz. The Examiner does not assert that Ortiz makes up for the deficiencies of Nii noted above with respect to independent claim 26. Thus, claim 30 that depends directly from claim 26 is patentable over Nii in view of Ortiz for at least the reasons discussed above with respect to claim 26.

Claim 31 stands rejected under 35 USC §103(a) as being unpatentable over Nii as applied to claim 26, and further in view of U.S. Patent No. 5,948,040 (DeLorme). Applicants

respectfully assert that this claim is patentable over Nii in view of DeLorme. The Examiner does not assert that DeLorme makes up for the deficiencies of Nii noted above with respect to independent claim 26. Thus, claim 31 that depends directly from claim 26 is patentable over Nii in view of DeLorme for at least the reasons discussed above with respect to claim 26.

Based on the foregoing, this application is believed to be in allowable condition, and a notice to that effect is respectfully requested. The Examiner is invited to call the Applicants' Attorney at the number provided below with any questions.

Respectfully submitted,

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